

**MOORE COUNTY PLANNING BOARD
THURSDAY, JANUARY 6, 2022, 6:00 PM
MOORE COUNTY HISTORIC COURTHOUSE – 2nd FLOOR**

CALL TO ORDER – 6 PM

INVOCATION – (Member Volunteer)

PLEDGE OF ALLEGIANCE – (Member Volunteer)

MISSION STATEMENT – (Member Volunteer)

I. PUBLIC COMMENT PERIOD (*Procedures are attached*)
Please sign up on the Public Comment Sign In sheet near the door

I. APPROVAL OF CONSENT AGENDA
All items listed below are considered routine and will be enacted by one motion. No separate discussion will be held except by a member of the Planning Board:

- A. Approval of Meeting Agenda
- B. Approval of Minutes of December 2, 2021
- C. Consideration of Abstentions

II. PUBLIC HEARINGS

1. **General Use Rezoning Request: Neighborhood Business (B-1) & Rural Agricultural (RA) to Rural Agricultural (RA) - Providence Chapel Rd. – Betty Lynd**
2. **Conditional Rezoning Request: Residential and Agricultural-40 (RA-40) & Highway Commercial (B-2) to Highway Commercial Conditional Zoning (B-2/CZ) – US 15/501 Highway – Jaimie Walters**

III. PLANNING DEPARTMENT REPORTS - Debra Ensminger

IV. BOARD COMMENT PERIOD - Chairman

V. UPCOMING EVENTS

- Tuesday, January 18, 2022, 10:30 AM Board of Commissioners Meeting to be held at the Historic Courthouse in Carthage
- Tuesday, February 1, 2022, 5:30 PM Board of Commissioners Meeting to be held at the Historic Courthouse in Carthage
- **Thursday, February 3, 2022, 6:00 PM Planning Board Meeting to be held at the Historic Courthouse in Carthage**

VI. ADJOURNMENT

*Special accommodations for individuals with disabilities or impairments will be made upon request to the extent that reasonable notice is **given** to the County.*

Please see attached procedures for the Public Comment Period and public comment during Public Hearing

**PUBLIC COMMENT PROCEDURES
MOORE COUNTY PLANNING BOARD**

The Moore County Planning Board is committed to allowing members of the public an opportunity to offer comments and suggestions for the efficient and effective administration of government. In addition to public hearings, a special time is set aside for the purpose of receiving such comments and suggestions. All comments and suggestions addressed to the Board during the Public Comment Period shall be subject to the following procedures:

- 1. The Public Comment period will be held at the beginning of the Board meeting. The comment period will be limited to a maximum of thirty minutes*
- 2. Persons who wish to address the Board during the Public Comment Period will register on a sign-up sheet available on the table outside the entrance door to the Meeting Room indicating contact information and topic. Sign-up sheets will be available beginning 30 minutes before the start of the meeting. No one will be allowed to have his/her name placed on the list by telephone request to County Staff.*
- 3. Each person signed up to speak will have three (3) minutes to make his/her remarks. Each person signed up to speak will only be entitled to the time allotted to each speaker and one additional time period which may be yielded to him/her by another individual who has also signed up to speak on a particular topic.*
- 4. Speakers will be acknowledged by the Board Chairperson in the order in which their names appear on the sign-up sheet. Speakers will address the Board from the lectern at the front of the room and begin their remarks by stating their name and address.*
- 5. Public comment is not intended to require the Board to answer any impromptu questions. Speakers will address all comments to the Board as a whole and not one individual member. Discussions between speakers and members of the audience will not be allowed.*
- 6. Speakers will be courteous in their language and presentation. Matters or comments which are harmful, discriminatory or embarrassing to any citizens, official or employee of Moore County shall not be allowed. Speaker must be respectful and courteous in their remarks and must refrain from personal attacks and the use of profanity.*
- 7. Only one speaker will be acknowledged at a time. If the time period runs out before all persons who have signed up get to speak, those names will be carried over to the next Public Comment Period.*
- 8. Any applause will be held until the end of the Public Comment Period.*
- 9. Speakers who have prepared written remarks or supporting documents are encouraged to leave a copy of such remarks and documents with the Chairperson.*
- 10. Information sheets outlining the process for the public's participation in Board meetings will also be available in the rear of the Meeting Room.*
- 11. Action on items brought up during the Public Comment Period will be at the discretion of the Board.*

Adopted on the 4th day of February, 2010 by a 8 to 1 vote of the Moore County Planning Board.

**MOORE COUNTY PLANNING BOARD
PUBLIC HEARINGS PROCEDURES**

The Moore County Planning Board serves the public as well as the Board of Commissioners. During each public hearing a special time has been set aside for the purpose of receiving comments and suggestions. To insure that comments and suggestions are productive and not unnecessarily long, procedural rules for conducting public hearings are necessary. The following procedural rules will be utilized during public hearings of the Moore County Planning Board:

- 1. Anyone who would like to address the Board during a public hearing should register on the appropriate sign-up sheet indicating their name and address. Sign-up sheets will be available on the table outside the entrance door to the Meeting Room 30 minutes before the start of the meeting. Information sheets outlining the process for the public's participation in Board meetings and public hearings will also be available. No one will be allowed to have his/her name placed on the list by telephone request to County Staff.*
- 2. Each speaker will be called by the Chairman to the lectern, will state their name and address clearly into the record before providing their comments.*
- 3. Speakers will address all comments to the Board as a whole and not to any one individual member. Speakers will be respectful, courteous, refrain from personal attacks and the use of profanity.*
- 4. Any applause will be held until the end of the public hearing.*
- 5. Speakers who have prepared written remarks or supporting documents are encouraged to leave a copy of such remarks and documents with the Secretary.*
- 6. Action on items brought up during the public hearing will be at the discretion of the Board.*

Adopted on the 5th day of May, 2011 by a 9 to 0 vote of the Moore County Planning Board

**MINUTES
MOORE COUNTY PLANNING BOARD
THURSDAY, DECEMBER 2, 2021, 6:00 PM
MOORE COUNTY HISTORIC COURTHOUSE – 2nd FLOOR**

Board Members Present:

Joe Garrison (Chairman), John Cook, John McLaughlin, Jeffrey Gilbert, Bobby Hyman, Tucker McKenzie, Farrah Newman

Board Members Absent:

Amy Lynn

Staff Present:

Debra Ensminger, Planning Director; Stephanie Cormack, Admin Officer; Tron Ross, Associate County Attorney

CALL TO ORDER

Chairman Joe Garrison called the meeting to order at 6:00 pm.

INVOCATION

Chairman Joe Garrison offered the invocation.

PLEDGE OF ALLEGIANCE

Chairman Joe Garrison led in citing of the Pledge of Allegiance.

MISSION STATEMENT

Board Member Bobby Hyman read the Moore County Mission Statement.

PUBLIC COMMENT PERIOD

There was no public comment.

APPROVAL OF THE CONSENT AGENDA

- A. Approval of Meeting Agenda
- B. Approval of Public Hearing items as presented on November 4, 2021
- C. Approval of Minutes of November 4, 2021
- D. Consideration of Abstentions

Board Member John Cook made a motion for approval of the consent agenda and approval of the minutes of November 4, 2021, meeting. Board member Bobby Hyman seconded the motion and the motion passed unanimously 7-0.

ELECTION OF VICE CHAIR

Chairman Garrison asked if each board member could provide a brief bio prior to holding the election of vice chair.

- Tucker McKenzie - Moore County residence, civil engineer working in the Town of Southern Pines, currently serves on the Moore County Board of Adjustments.
- Bobby Hyman - Moore County native works for Pinehurst Insurance and has been on the Planning Board since 2013.
- Jeffrey Gilbert - Moore County residence since 2005, retired from EP Industries, and is on his second term serving as a board member.
- John Cook - Moore County native works for Lee Electric Construction and proud to live in Moore County.
- John McLaughlin - Moore County residence since he was four years old, previously served on the Planning Board for the Town of Southern Pines, held the position as Chairman, currently semi-retired doing some business consulting for a construction firm.
- Farrah Newman - Moore County residence, works for Sandhills Habitat for Humanity as their licensed general contractor, have a great interest in responsible development.
- Joe Garrison – Moore County native, married to the most wonderful woman in the world, serves as Chairman to the Planning Board.

Board member John Cook made a motion to elect Bobby Hyman as vice-chair. Board member John McLaughlin seconded the motion and the motion passed unanimously 7-0.

PLANNING DEPARTMENT REPORTS

Ms. Ensminger welcomed all the new board members and appreciates everyone service while serving on the Planning Board. Ms. Ensminger complemented all staff members and hopes to see everyone in January.

BOARD COMMENT PERIOD

Chairman Garrison thanked Moore County staff for all their hard work while working for the county.

ADJOURNMENT

With no further comments Board Member Jeffrey Gilbert made a motion to adjourn the December 2, 2021, regular meeting. The motion was seconded by Vice chair Bobby Hyman; meeting adjourned at 6:15 p.m., the motion passed unanimously 7-0.

Respectfully submitted by,

Stephanie Cormack

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MEMORANDUM TO THE PLANNING BOARD

FROM: Debra Ensminger
Planning and Inspections Director

DATE: December 3, 2021

SUBJECT: General Use Rezoning Request: Neighborhood Business (B-1) & Rural Agricultural (RA) to Rural Agricultural (RA) – Providence Chapel Rd

PRESENTER: Betty Lynd

REQUEST

Brian Adam Johnson is requesting a General Use Rezoning from Neighborhood Business (B-1) & Rural Agricultural (RA) to Rural Agricultural (RA) of one parcel of approximately 58.69 acres located at 246 Providence Chapel Road, owned by Brian Adam Johnson, per Deed Book 4996 Page 477 and further described as ParID 00007399 in Moore County Tax Records.

Public notification consisted of publishing a legal notice in the local newspaper for two consecutive weeks, notification by mail to adjacent property owners, and placing public hearing signs on the property.

BACKGROUND

The subject property is currently undeveloped. The property was initially zoned Rural Business (RB) & Rural Agricultural (RA) when the County implemented county-wide zoning in 1999, as a sawmill operated at this location. The property was rezoned to Neighborhood Business (B-1) & Rural Agricultural (RA) as part of the adoption of the Moore County Unified Development Ordinance in 2014 as the Rural Business (RB) district was removed. Adjacent properties include single family dwellings, manufactured homes, and undeveloped property.

The parcel is within a half-mile of a Voluntary Agricultural District. The parcel is within the Bear Creek (CPF) WS-IIIP watershed.

ZONING DISTRICT COMPATIBILITY

The requested rezoning to Rural Agricultural (RA) is consistent with the existing uses located near the property, including residential uses. The surrounding area is zoned Rural Agricultural (RA).

CONSISTENCY WITH THE 2013 MOORE COUNTY LAND USE PLAN

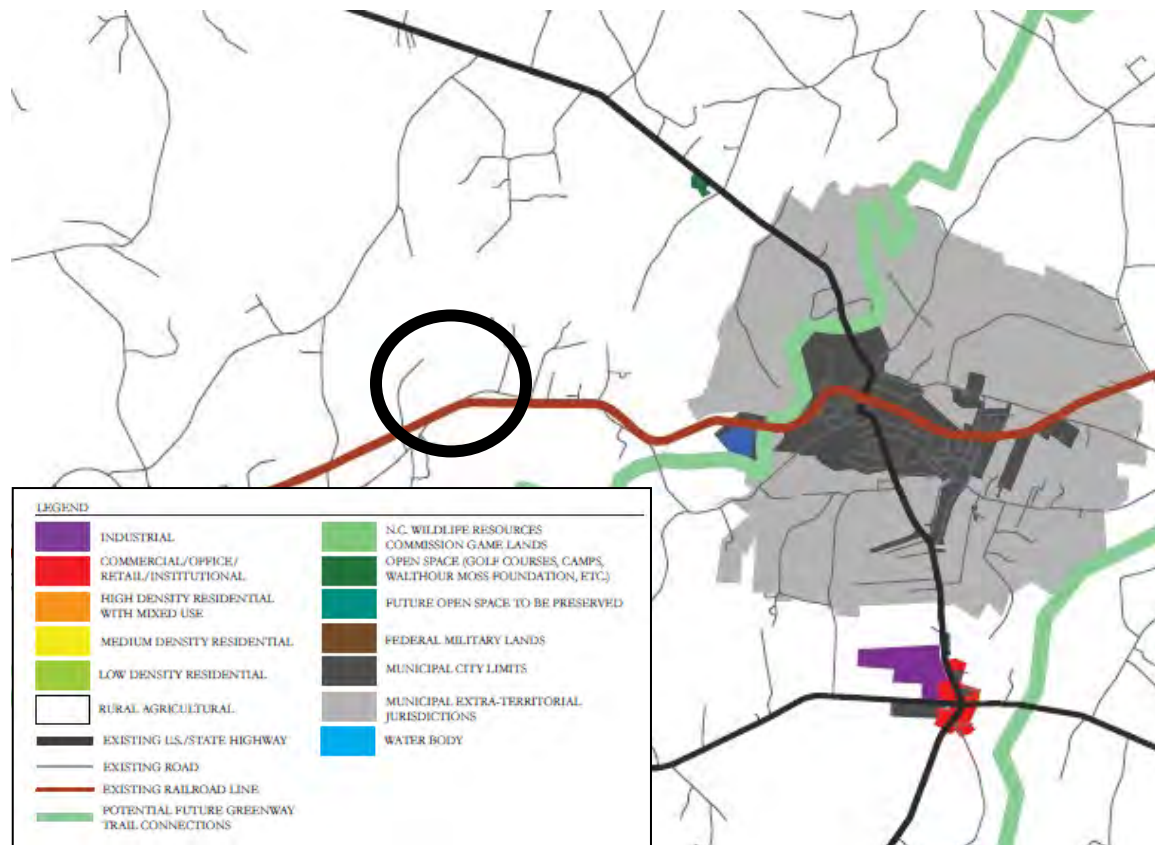
The future land use map identifies the property as Rural Agricultural Classification. The requested rezoning to Rural Agricultural (RA) is compatible with the Rural Agricultural Land Use Classification as the RA district will permit the desired uses and support rural development.

The Land Use Plan states the Rural Agricultural Classification's primary use of the land is to support rural residential life associated with agricultural uses (e.g. row crops, forestry, horticulture, grazing, poultry, dairy, swine operations, and intensive agricultural uses in certain areas) and other rural activities. Major subdivisions of land are strongly discouraged; however, family subdivisions and subdivisions of four or less lots would be considered.

The Moore County Unified Development Ordinance states the Rural Agricultural (RA) district is a district intended to encourage the continuance of agricultural uses as well as to ensure that residential development of appropriate intensities that are consistent with the suitability of land, availability of public services, and that are compatible with surrounding development, will occur at appropriate densities to provide a healthful environment. The RA District is also intended to accommodate rural commercial activities where the use of site-specific development plans, individualized development conditions, vegetative buffers, larger lots, and the compatibility of adjacent land uses are considered to provide suitable locations for rural commerce and other rural activities.

The rezoning request aligns with the following recommendation as included in the attached Land Use Plan Consistency Statement, including Action 1.5.2: Support new developments that utilize existing or implement planned infrastructure that most economically preserves open space and important historical, natural, and cultural features.

MOORE COUNTY FUTURE LAND USE MAP



RECOMMENDATION

Staff recommends the Moore County Planning Board make two separate motions:

Motion #1: Make a motion to adopt the attached **Approval** or **Denial** Moore County Planning Board Land Use Plan Consistency Statement and authorize its Chairman to execute the document as required by North Carolina General Statute 160D-604.

Motion #2: Make a motion to recommend **Approval** or **Denial** to the Moore County Board of Commissioners of the General Use Rezoning from Neighborhood Business (B-1) & Rural Agricultural (RA) to Rural Agricultural (RA) of one parcel of approximately 58.69 acres located at 246 Providence Chapel Road, owned by Brian Adam Johnson, per Deed Book 4996 Page 477 and further described as ParID 00007399 in Moore County Tax Records.

ATTACHMENTS

- Pictures of Property and Adjacent Properties
- Vicinity Map
- Land Use Map
- Rezoning Map
- Planning Board Consistency Statement – Approval
- Planning Board Consistency Statement – Denial
- Submitted Rezoning Application
- UDO – Chapter 6. Table of Uses
- Deed Book 4996 Page 477

View of subject property to be rezoned



View of subject property from Providence Chapel Road



Adjacent property – 195 Providence Chapel Rd



Adjacent property – 251 Providence Chapel Rd



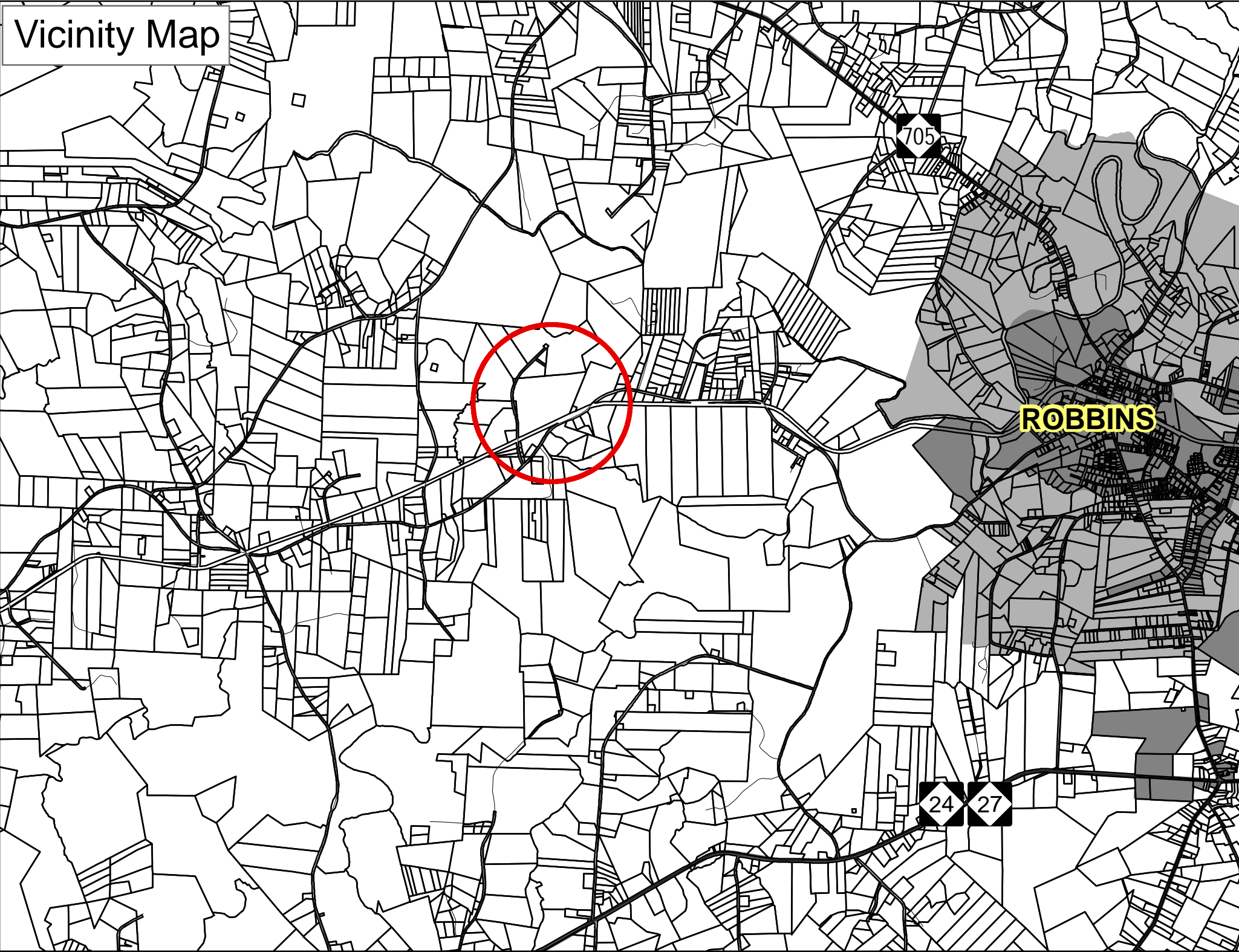
Adjacent property – 400 Providence Chapel Rd



Adjacent property – 1408 Spies Rd



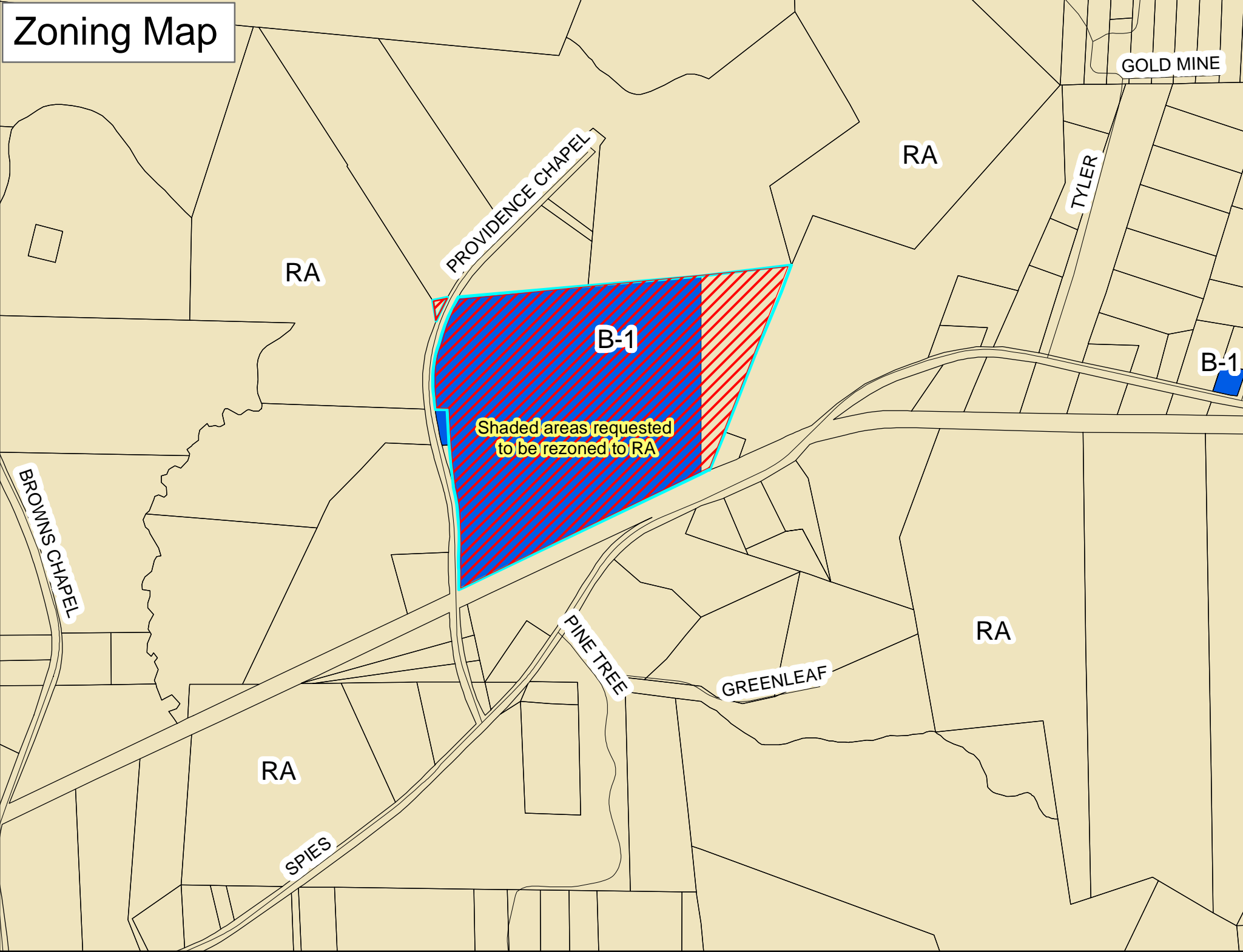
Vicinity Map



Land Use Map



Zoning Map



Moore County Planning Board
Land Use Plan Consistency Statement
General Use Rezoning Request
Neighborhood Business (B-1) & Rural Agricultural (RA) to Rural Agricultural (RA)

The Moore County Planning Board finds that:

1. The rezoning request is consistent with the following goal as listed in the 2013 Moore County Land Use Plan:

Goal 1: Preserve and Protect the Ambiance and Heritage of the County of Moore (inclusive of areas around the municipalities)

- Action 1.5.2: Support new developments that utilize existing or implement planned infrastructure that most economically preserves open space and important historical, natural, and cultural features

2. The rezoning request is reasonable and in the public interest considering the property is located adjacent to an existing road with no outlet and the requested zoning district will remain in harmony with surrounding zoning.

3. Contributing factors in the rezoning approval are in response to managing the demand of residential growth and the lack of necessity for the non-residential zoning due to the closure of previous development.

Therefore, the Moore County Planning Board recommends **APPROVAL** of the General Use Rezoning from Neighborhood Business (B-1) & Rural Agricultural (RA) to Rural Agricultural (RA) of one parcel of approximately 58.69 acres located at 246 Providence Chapel Road, owned by Brian Adam Johnson, per Deed Book 4996 Page 477 and further described as ParID 00007399 in Moore County Tax Records.

Joe Garrison, Chair
Moore County Planning Board

Date

Moore County Planning Board
Land Use Plan Consistency Statement
General Use Rezoning Request
Neighborhood Business (B-1) & Rural Agricultural (RA) to Rural Agricultural (RA)

The Moore County Planning Board finds that:

1. The rezoning request is consistent with the following goal as listed in the 2013 Moore County Land Use Plan:

Goal 1: Preserve and Protect the Ambiance and Heritage of the County of Moore (inclusive of areas around the municipalities)

- Action 1.5.2: Support new developments that utilize existing or implement planned infrastructure that most economically preserves open space and important historical, natural, and cultural features

2. The proposed rezoning is not reasonable and not in the public interest because the proposed rezoning will have an unreasonable impact on the surrounding community.

Therefore, the Moore County Planning Board recommends **DENIAL** of the General Use Rezoning from Neighborhood Business (B-1) & Rural Agricultural (RA) to Rural Agricultural (RA) of one parcel of approximately 58.69 acres located at 246 Providence Chapel Road, owned by Brian Adam Johnson, per Deed Book 4996 Page 477 and further described as ParID 00007399 in Moore County Tax Records.

Joe Garrison, Chair
Moore County Planning Board

Date



County of Moore Planning and Inspections

Inspections/Permitting: (910) 947-2221

Planning: (910) 947-5010

Fax: (910) 947-1303

GENERAL USE REZONING APPLICATION

Application Date: 11/8/21

Location/Address of Property: 246 Providence Chapel Rd

Applicant: Brian Adam Johnson

Phone: 919-539-0128

Applicant Address: 327 East Second Street

City: Siler City

St: NC

Zip: 27344

Owner: Brian Adam Johnson

Phone:

Owner Address: 327 East Second Street

City: Siler City

St: NC

Zip: 27344

Current Zoning District: B1 & RA

Proposed Zoning District: RA

Comments:

Would like to rezone for single family home stick built ~~house~~

email bajohn10@gmail.com

I (We), the undersigned, certify that all statements furnished in this application are true to the best of my (our) knowledge, and do hereby agree to follow all reasonable requests for information as designated by the County of Moore Zoning Administrator.

Brian Adam Johnson

11/8/21

Applicant/Owner Signature

Date

Applicant/Owner Signature

Date

Office Use Only:

PAR ID: 00007399

Betty Lynd Betty Lynd

11-8-2021

Received By

Date

CHAPTER 6

TABLE OF USES

6.1 Use Table

- A. Permitted Uses. P = Permitted uses are a use-by-right approved by the Administrator.
- B. Conditional Uses. C = Conditional Use Permit approval required. (Refer to Chapter 12.)
- C. Conditional Zoning. Z = Condition Rezoning within a parallel conditional zoning district required. (Refer to Chapter 11.)
- D. Building Code Classification.

The “Bldg. Code Group” column is intended for reference purposes only and is subject to change without notice. Classifications should be verified by the Building Inspector and should follow the regulations of the applicable “Use & Occupancy Classification” per the 2012 NC Building Code. Change of uses will require sealed plans to be approved by the Building Inspector.

A = Assembly	M = Mercantile
B = Business	R = Residential
E = Education	S = Storage
F = Factory Industrial	U = Utility & Miscellaneous
H = Hazardous	Mix = Mixed Uses (Separation standards may apply)
I = Institutional	

- E. Prohibited Uses. Blank = Districts in which particular uses are prohibited, unless the Administrator determines that the use is similar to an allowed individual use by applying the following criteria:
 1. The actual or projected characteristics of the activity.
 2. The relative amount of site area or floor space and equipment utilized.
 3. Relative amounts of sales from the activity and customer type for the activity.
 4. The relative number of employees and hours of operation.
 5. Building and site arrangement and likely impact on surrounding properties.
 6. Types of vehicles used, parking requirements, and vehicle trips generated.

When uncertainty exists, the Administrator, after consultation with the County Attorney, shall be authorized to make the interpretation.

ACCESSORY USES & ACCESSORY BUILDINGS	RA-20	RA-40	RA-2	RA-5	GCSL	GCWL	RE	RA-USB	RA	P-C	VB	B-1	B-2	I	Specific Use Standards	Bldg. Code Group
Accessory Uses & Buildings	P	P	P	P	P	P	P	P	P	P	P	P	P	P	8.1	R, S, U

AGRICULTURAL USES	RA-20	RA-40	RA-2	RA-5	GCSL	GCWL	RE	RA-USB	RA	P-C	VB	B-1	B-2	I	Specific Use Standards	Bldg. Code Group
Agricultural Uses and Buildings (Not a Bona Fide Farm)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	8.2	U
Bona Fide Farm	"Bona Fide Farm" exemption status is obtained through the Moore County Planning Department.														8.3	S, U

RESIDENTIAL USES	RA-20	RA-40	RA-2	RA-5	GCSL	GCWL	RE	RA-USB	RA	P-C	VB	B-1	B-2	I	Specific Use Standards	Bldg. Code Group
SINGLE FAMILY HOUSEHOLD																
Accessory Dwelling Located within Stick Built Dwelling	P	P	P	P			P	P	P						8.4	R
Accessory Dwelling Located within Non-Residential Building											P	P	P		8.5	Mix
Accessory Manufactured Home	P	P	P	P			P	P	P						8.6	R
Accessory Stick Built Dwellings	P	P	P	P			P	P	P						8.7	R
Dwellings, Single Family	P	P	P	P	P	P	P	P	P						8.8	R-3
Dwellings, Duplexes	P	P				P	P								8.9	R-3
Family Care Home (6 or less)	P	P	P	P	P	P	P	P	P						8.10	I, R
Home Occupation, Level 1	P	P	P	P	P	P	P	P	P						8.11	R
Home Occupation, Level 2			Z	Z			Z		Z						8.12	R
Manufactured Home	P	P	P	P			P	P	P						8.13	R-3
Manufactured Home Park									Z						8.14	Mix
Personal Workshop / Storage Building	P	P	P	P			P	P	P						8.15	R, S
Planned Unit Development – Mixed Use	Conditional Rezoning to PUD-CZ is required.														8.16	Mix
MULTIFAMILY RESIDENTIAL																
Group Care Facility									Z			C	P		8.17	I, R
Multifamily Dwellings (3 or more units per lot)	Conditional Rezoning to MF-CZ is required.														8.18	R-2
Nursing Home	C	C	C	C					C			P	P		8.19	B, I

COMMERCIAL USES	RA-20	RA-40	RA-2	RA-5	GCSL	GCWL	RE	RA-USB	RA	P-C	VB	B-1	B-2	I	Specific Use Standards	Bldg. Code Group
ANIMAL SERVICES																
Animal Shelter									Z					P	8.20	B
Animal Training Facility, Military									Z					P	8.21	B
Kennels, Overnight									Z			Z	Z	P	8.22	B
Pet Day Care, Grooming, Obedience Training									Z		P	P	P		8.23	B
Veterinary Clinic							P		Z		P	P	P		8.24	B
OFFICES & GENERAL SERVICES																
Automatic Teller Machine (ATM)											P	P	P	P	8.25	U
Beauty / Barber Shop / Nail Salon						P					P	P	P		8.26	B
Bed and Breakfast	Z	Z	Z	Z				Z	Z						8.27	
Dry Cleaning and Laundromat						P					P	P	P	P	8.28	B
Equestrian Cottage							Z								8.29	
Hotel and Motel													P		8.30	R-1
Office											P	P	P	P	8.31	B
Small Appliance Repair Shop											P	P	P	P	8.32	B
Trade Contractor Office and Workshop											P	Z	P	P	8.33	B, S
COMMERCIAL USES	RA-20	RA-40	RA-2	RA-5	GCSL	GCWL	RE	RA-USB	RA	P-C	VB	B-1	B-2	I	Specific Use Standards	Bldg. Code Group
RETAIL SERVICES																
Auction House												P	P	P	8.34	A-3, B
Convenience Store						P			C		P	P	P	P	8.35	M
Feed and Seed Sales							C		C			P	P	P	8.36	B, M
Florist									P		P	P	P	P	8.37	B
Flea Market									Z			Z	P		8.38	B, M
Garden Center											P	P	P		8.39	M, U
Manufactured or Modular Home Sales													P	P	8.40	B
Restaurant						P					P	P	P	P	8.41	A-2
Retail											P	P	P		8.42	M
Shopping Centers													Z	C	8.43	M
Wholesales											C		P	P	8.44	M

COMMERCIAL USES (CONTINUED)	RA-20	RA-40	RA-2	RA-5	GCSL	GCWL	RE	RA-USB	RA	P-C	VB	B-1	B-2	I	Specific Use Standards	Bldg. Code Group
VEHICLE SERVICES																
Boat & RV Storage					P						P		Z		8.45	S-1
Car Wash or Auto Detailing											P	P	P	P	8.46	B
Commercial Truck Wash												C	P	P	8.47	B
Parking Lot as principal use of lot											P	P	P	P	8.48	S-2
Taxi Service												Z	P	P	8.49	B, A-3
Vehicle, Auto Parts, Tires, Farm Equipment, Boat, RV - Sales, Rental, or Service											P	P	P	P	8.50	B, S-1
Vehicle Service Stations (Gas Stations)											Z	P	P	P	8.51	M
Vehicle Wrecker Service												Z	Z	P	8.52	S-1
ADULT USES																
Adult Gaming Establishments														C	8.53	B
Bars / Tavern											C		P		8.54	A-2
Brewery / Winery									C		P		P	P	8.55	A-2, F
Dance Club, Night Club, Billiard											Z		P		8.56	A-2, A-3
Distillery														P	8.57	F-1
Massage & Bodywork Therapy Practice, Unlicensed													P		8.58	B
Pawn Shop											Z		P	P	8.59	B
Sexually Oriented Business														Z	8.60	A-2, M
Tattoo Parlor, Body Piercing													P		8.61	B

EDUCATIONAL & INSTITUTIONAL USES	RA-20	RA-40	RA-2	RA-5	GCSL	GCWL	RE	RA-USB	RA	P-C	VB	B-1	B-2	I	Specific Use Standards	Bldg. Code Group
Cemetery or Mausoleum, Commercial			C	C			C		C			P			8.62	n/a
Cemetery, Family	P	P	P	P	P	P	P	P	P						8.63	n/a
Child Care Facility	C	C	C	P		C	C	C	C		C	P	P		8.64	E, I
Child Care Home Facility	C	P	P	P			C	C	P						8.65	E, R
Colleges, Business & Trade Schools									C				P	P	8.66	B
Funeral Home, accessory crematorium											P	P	P	P	8.67	A-3, B
Government Facility	P	P	P	P	P	P	P	P	P	P	P	P	P	P	8.68	B
Hospital	P	P	P	P	C	C	P	P	P	P		P	P	P	8.69	I
Museums and Art Galleries									C		P	P	P		8.70	A-3
Religious Institutions	P	P	P	P	P		P	P	P	P	P	P	P		8.71	A-3, E
Security Training Facility									C						8.72	B
Schools, Elementary, Middle, High												P	P		8.73	E

RECREATIONAL USES	RA-20	RA-40	RA-2	RA-5	GCSL	GCWL	RE	RA-USB	RA	P-C	VB	B-1	B-2	I	Specific Use Standards	Bldg. Code Group
Accessory, Swimming Pool	P	P	P	P	P	P	P	P	P	P	P	P	P	P	8.74	A, R
Airport, Public or Private									C					Z	8.75	A-3, B
Airstrip, Small Private									C			P			8.76	B
Assembly Hall						Z			Z		Z		Z	P	8.77	A-4, A-5
Camp or Care Centers									P						8.78	A-3, R-1
Campground, Public and Private									P						8.79	A-3, R-1
Camp, Recreation Day									P						8.80	A-3
Civic / Social Club, Lodge, & Organization			P	P	C	C			C		P	P	P		8.81	A-2, A-3
Golf Driving Range					C	C				P			P		8.82	A-3
Golf Course, including Par 3					C	C				P			P		8.83	U
Marina (fuel supplies)					P	P									8.84	M
Neighborhood Park	P	P	P	P	P	P	P	P	P	P	P	P	P		8.85	U
Recreation, Indoor											C	C	P		8.86	A-5
Recreation, Low Impact Outdoor		P P	P	P	P	P	P	P	P		C	P	P		8.87	A-5
Recreation, High Impact Outdoor									Z		Z		P		8.88	
Shooting Range, Indoor									Z				P		8.89	A-5
Shooting Range, Outdoor									Z				P		8.90	A-5
Zoo, Petting Zoo									Z				P		8.91	A-5, U

INDUSTRIAL USES	RA-20	RA-40	RA-2	RA-5	GCSL	GCWL	RE	RA-USB	RA	P-C	VB	B-1	B-2	I	Specific Use Standards	Bldg. Code Group
PRODUCTION																
Manufacturing & Sales, Pottery									P		P	P	P	P	8.92	F
Manufacturing, Light (no odors, no smoke)														P	8.93	F
Manufacturing, General														Z	8.94	F-1, F-2
UTILITIES / SERVICES																
Amateur Radio and Receive-only Antennas	P	P	P	P	P	P	P	P	P	P	P	P	P	P	8.95	U
Contractors Storage Yard and Office									Z				P	P	8.96	S-1, U
Crematorium Facility													Z	P	8.97	B
Public & Private Utility Facilities	P	P	P	P	P	P	P	P	P	P	P	P	P	P	8.98	U
Solar Collector Facility														C	8.99	U
Solar Collectors, On-Site Use	P	P	P	P	P	P	P	P	P	P	P	P	P	P	8.100	U
Wireless Communication Facility									Z				Z	Z	8.101	U

Collocation on Existing WCF	P	P	P	P			P	P	P	P	P	P	P	P	8.102	U
INDUSTRIAL USES	RA-20	RA-40	RA-2	RA-5	GCSL	GCWL	RE	RA-USB	RA	P-C	VB	B-1	B-2	I	Specific Use Standards	Bldg. Code Group
WAREHOUSING																
Mini-Warehouse (Self-Service)						P					Z	Z	P	P	8.103	S
Warehousing and/or Distribution Center									Z				C	P	8.104	S-1, S-2
WASTE RELATED SERVICES																
Debris Management Facility									Z			Z		P	8.105	U
Hazardous Waste /Toxic Chemicals Disposal or Processing														C	8.106	U
Landfill														C	8.107	U
Mining / Quarry Operation									Z					C	8.108	U
Salvage Yard														C	8.109	U

TEMPORARY USES	RA-20	RA-40	RA-2	RA-5	GCSL	GCWL	RE	RA-USB	RA	P-C	VB	B-1	B-2	I	Specific Use Standards	Bldg. Code Group
Construction Office, Temporary	P	P	P	P	P	P	P	P	P	P	P	P	P	P	8.110	S-1
Drop-In Child Care Facility											P	P	P		8.111	
Itinerant Merchant											P	P	P	P	8.112	n/a
Land Clearing	P	P	P	P	P	P	P	P	P	P	P	P	P	P	8.113	F-1
Manufactured Home or RV, Temporary	P	P	P	P			P	P	P						8.114	R-3
Real Estates Office, Temporary	P	P	P	P	P	P	P	P	P	P	P	P	P	P	8.115	S-1
Temporary Events (Special Event)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	8.116	n/a
Yard Sales, Residential and Civic	P	P	P	P	P	P	P	P	P			P	P		8.117	n/a

OTHER USES	RA-20	RA-40	RA-2	RA-5	GCSL	GCWL	RE	RA-USB	RA	P-C	VB	B-1	B-2	I	Specific Use Standards	Bldg. Code Group
Major Subdivision – Residential (1)	C	C						C							18.6-18.11	Mix
Major Subdivision – Non-Residential (Business Park)													C	C	18.6-18.11	Mix

For Registration Register of Deeds
Judy D. Martin

Moore County, NC

Electronically Recorded

June 21, 2018 3:16:11 PM

Book: 4996 Page: 477 - 479 #Pages: 3

Fee: \$26.00 NC Rev Stamp: \$367.00

Instrument # 2018008937

GENERAL WARRANTY DEED

THIS INSTRUMENT PREPARED BY:

Richard Lee Yelverton III, Esq.
Van Camp, Meacham & Newman, PLLC
2 Regional Circle (28374)
P.O. Box 1389
Pinehurst, North Carolina 28370

NO TITLE WORK COMPLETED BY PREPARING ATTORNEY

TO BE RECORDED IN THE
DEED RECORDS OF
MOORE COUNTY, NC

Excise Tax: \$367.00

THIS DEED made this 20 day of June, 2018, by and between:

<u>GRANTOR</u>	<u>GRANTEE</u>
ROBERT D. BALL AND SPOUSE, GAYVIN POWERS Address:	BRIAN ADAM JOHNSON Tax Address: <u>327 E. Second Street</u> <u>Giler City NC 27344</u>

WITNESSETH:

The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

WITNESSETH, the Grantor, for valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto the Grantee in fee simple, all that certain lot or parcel of land (referred to in the singular, whether one or more) situated in Sheffield Township, Moore County, North Carolina, and more particularly described as follows:

See "Attachment A"- Description attached hereto and incorporated herein by reference.

For back reference see deed recorded in Book 01177 Page 00248, and Book 01032, Page 00023, in the Moore County Registry.

This property herein described ___ is, or ___ is not the primary residence of the Grantor.

And being the same property conveyed by instrument recorded in Book 4748, Page 189, in the Moore County, North Carolina, Register of Deeds. The attorney preparing this instrument has not searched the title to the real property hereby conveyed and makes no opinion relative to the status of the title to the real property hereby conveyed.

This conveyance is made subject to (i) the lien of the County of Moore for taxes and other assessments for the current year, which taxes or other assessments shall be pro-rated as of the date of closing and which Grantee by acceptance of this deed expressly agrees to pay; (ii) utility easements of record; and (iii) unviolated restrictive covenants of record that do not materially affect the value of the property.

TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to the Grantee in fee simple.

And Grantor covenants with the Grantee, that Grantor is seized of the premises in fee simple, has the right to convey the same in fee simple, that title is marketable and free and clear of all encumbrances, and that Grantor will warrant and defend the title against the lawful claims of all persons whomsoever except for the exceptions noted herein.

IN WITNESS WHEREOF, the said Grantor has hereunto set their hand and seal the day and year first above written.

R. Ball (SEAL)
Robert D. Ball

6 Jun 18
Date

Gayvin Powers (SEAL)
Gayvin Powers

6/20/18
Date

STATE OF California
COUNTY OF Monterey

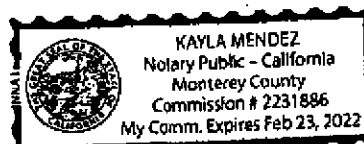
I, Kayla Mendez, a notary public for the County and State aforesaid, certify that Robert D. Ball and Gayvin Powers personally appeared before me this day, and

- a) ___ I have personal knowledge of the identity of the principal(s)
b) X I have seen satisfactory evidence of the principal's identity, by a current state or federal identification with the principle's photograph in the form of a United States Uniformed Services 10
c) ___ a credible witness has sworn to the identity of the principal(s)

each acknowledging to me that he or she voluntarily signed the foregoing document for the purpose stated therein and in the capacity indicated.

WITNESS my hand and seal this 20th day of June, 2018

Notary Public: Kayla Mendez
My Commission Expires: 2/23/2022



"ATTACHMENT A"

**Description for
Robert D. Ball & Gayvin Powers**

Sheffield Township, Moore County, North Carolina:

TRACT NO. 1: BOUNDED on the North by Morris (formerly Mamie Brown), on the West by J. R. Brewer, on the East by Junior Garner, and on the South by Norfolk-Southern Railroad, and Ronald H. Parsons: BEGINNING at an iron stake with rocks, corner of 47.5 acre tract of Diane A. McCullum et als and northeast corner of 182.5 acres tract of which this is a portion, and being in the dividing line between Junior Garner and Allred and runs thence with the dividing line between Morris and Allred, South 82 degrees 58 minutes West 2,100 feet crossing State Road No. 1498 to an iron stake, corner of 182.5 acres and corner with J. R. Brewer and Morris; thence as dividing line between J. R. Brewer and Allred, and crossing State Road No. 1498, South 03 degrees 08 minutes East 1,731.7 feet to a point in the centerline of Norfolk-Southern Railroad, a corner with Ronald H. Parsons; thence as the centerline of said railroad and as a line of Ronald H. Parsons, North 67 degrees 19 minutes East 1,468.2 feet to a point in the centerline of said railroad, corner with Ronald H. Parsons, and being located North 26 degrees 10 minutes East 30.9 feet from and iron stake set in line; thence North 26 degrees 10 minutes East 1,429.4 feet to the Beginning, containing 57.9 acres, more or less, as described from plat of survey of D. M. Chappell, May, 1971. Being Tract No. 2 of that August 3, 1972, deed of C. W. Allred, Widower, to Robert Allred, recorded in Book 354 at Page 324, Moore County Registry.

TRACT NO. 2: One the east side of graded Secondary Road No. 1498, and on the North side of the Southern Railway, approximately one-fourth mile north of paved Secondary Road No. 1002, locally known as the Spies Road; being a portion of that land described in Deed Book 489 at Page 796 in the Moore County Registry; adjoining Lester G. and Janell S. Maness, Southern Railway, and and former Walter Allred lands, and described as follows: BEGINNING on a point in the center of the Southern Railway, the southeast corner of the tract of which this is a part, said point being near the eastern edge of a cross tie with a cross cut in it, and marked by a nail, said point being North 02 degrees 51 minutes 11 seconds West 35.08 feet from the center of a concrete monument by an existing iron pipe; running thence as the center of the said railroad and as the south line of the tract of which this is a part, South 68 degrees 40 minutes 00 seconds West 80.23 feet to a PK spike in the center of the said railroad and in the center of graded Road Number 1498; thence as the center of said graded Road Number 1498 five (5) calls as follows: North 05 degrees 15 minutes 41 seconds East 342.63 feet; North 00 degrees 38 minutes 11 seconds East 103.72 feet; North 02 degrees 49 minutes 08 seconds West 130.74 feet; North 08 degrees 02 minutes 04 seconds West 127.43 feet; North 11 degrees 24 minutes 28 seconds West 198.31 feet to a point in the center of the said road and in the old north line of the tract of which this is a part; thence as the said old line, South 86 degrees 23 minutes 11 seconds East 62.75 feet to an existing iron rod, the northeast corner of the tract of which this is a part; thence as the east line of the tract of which this is a part, also common to the former Walter Allred lands, South 02 degrees 51 minutes 11 seconds East 863.99 feet to the point of BEGINNING, containing 0.79 acres as calculated by Coordinate Computation, and described in a survey of Leach M. Johnson, from November 29, 1989, survey, as shown on plat thereof which is a part of the record of that deed of December 14, 1989, Lester G. Maness and wife, Janell S. Maness, to Robert Allred, recorded in Book 695, Page 348, Moore County Registry.

MEMORANDUM TO THE PLANNING BOARD

FROM: Debra Ensminger
Planning and Inspections Director

DATE: December 1, 2021

SUBJECT: Conditional Rezoning Request: Residential and Agricultural-40 (RA-40) & Highway Commercial (B-2) to Highway Commercial Conditional Zoning (B-2/CZ) – US 15-501 Highway

PRESENTER: Jaimie Walters

REQUEST

Jeff Tucker, Vice-President of JT & JR, Inc., is requesting a Conditional Rezoning from Residential and Agricultural-40 (RA-40) & Highway Commercial (B-2) to Highway Commercial Conditional Zoning (B-2/CZ) to construct a building and storage yard for a Contractor Office on an approximately 4.76-acre portion of two parcels of approximately 14.07 acres located on US 15-501 Highway, owned by JT & JR, Inc., per Deed Book 5504 Page 445 and Deed Book 5446 Page 365 and further described as ParID 00014913 and 00016274 in Moore County Tax Records.

Public notification consisted of publishing a legal notice in the local newspaper for two consecutive weeks, notification by mail to adjacent property owners, and placing public hearing signs on the property.

BACKGROUND

The entire parent property is undeveloped timberlands. Adjacent properties include a single-family dwelling, undeveloped property, and a landscaping business.

The parcels are located within the Urban Transition Highway Corridor Overlay District. While the parcels do have some freshwater forested/shrub and riverine wetlands, none are located within the rezoning area. The rezoning area is within a half-mile of a Voluntary Agricultural District. One parcel is also within the AE – 1% (100-year) Flood Zone, however the rezoning area is located approximately 200' +/- from the closest boundary.

COMMUNITY MEETING

The community meeting was conducted at the Moore County Sports Complex Multi-Purpose Room on December 20, 2021, between 6:00pm and 8:00pm. Adjacent properties were notified by certified return receipt mail, sent on December 10, 2021. Please refer to attached report for more details.

CONDITIONAL ZONING (CZ)

Conditional rezoning affords a degree of certainty in land use decisions not possible when rezoning to a general district. Conditional Zoning Districts are established to provide for flexibility in the development of property while ensuring that the development is compatible with neighboring uses. Pursuant to NCGS 160D-703, conditional zoning districts requires the approval of a rezoning by the Moore County Board of Commissioners and approval of a site-specific development plan allowing for the development of specific land uses.

Parallel conditional zoning districts are restricted to those uses (meaning either one or multiple uses) listed in the corresponding general use zoning district.

The request shall be in compliance with all relevant portions of the UDO, except that variations from these standards may be approved by the Board of Commissioners if the site plan is submitted and determined to be suitable for the request, is consistent with the intent of the standards, and ensures compatibility with land uses on surrounding properties.

Specific additional conditions applicable to the rezoning request may be proposed by the applicant, the Planning Board, or Board of Commissioners. Only those conditions mutually approved by the county and the applicant may be incorporated into the permit requirements. If a proposed condition is unacceptable to the owner, the petition can be withdrawn, and the proposed rezoning cannot go forward. Likewise, if a condition is unacceptable to the Board of Commissioners, the petition can be denied and there is no rezoning.

Per NCGS 160D-703(b), conditions and site-specific standards shall be limited to those that address the conformance of development and use of the site to County ordinances and officially adopted plans and those that address the impacts reasonably expected to be generated by the development or use of the site.

ZONING DISTRICT COMPATIBILITY

The requested rezoning to Highway Business Conditional Zoning (B-2/CZ) is consistent with the existing uses and zoning located near the property, which includes several non-residential uses. US 15-501 Highway from Carthage to Pinehurst is in the Urban Transition Highway Corridor Overlay District. The surrounding area is zoned Residential and Agricultural-40 (RA-40), Highway Business (B-2), Office and Professional (OP – Village of Pinehurst), Residential (R5 – Village of Pinehurst) and Residential Single Family (RS-3 – Town of Southern Pines).

CONSISTENCY WITH THE 2013 MOORE COUNTY LAND USE PLAN

The future land use map identifies the property as Rural Agricultural Classification. The requested zoning to Highway Commercial Conditional Zoning (B-2/CZ) is not compatible with the Rural Agricultural Land Use Classification. However, the site to be rezoned is adjacent to both the municipal limits and ETJ of the Village of Pinehurst and the municipal limits of the Town of Southern Pines. The Urban Transition Highway Corridor Overlay's goal is to provide attractive development along highway corridors and to keep in visual character of the nearby Towns.

The Land Use Plan states the primary use of the Rural Agricultural Land Use Classification is to support rural residential life associated with agricultural uses (e.g., row crops, forestry,

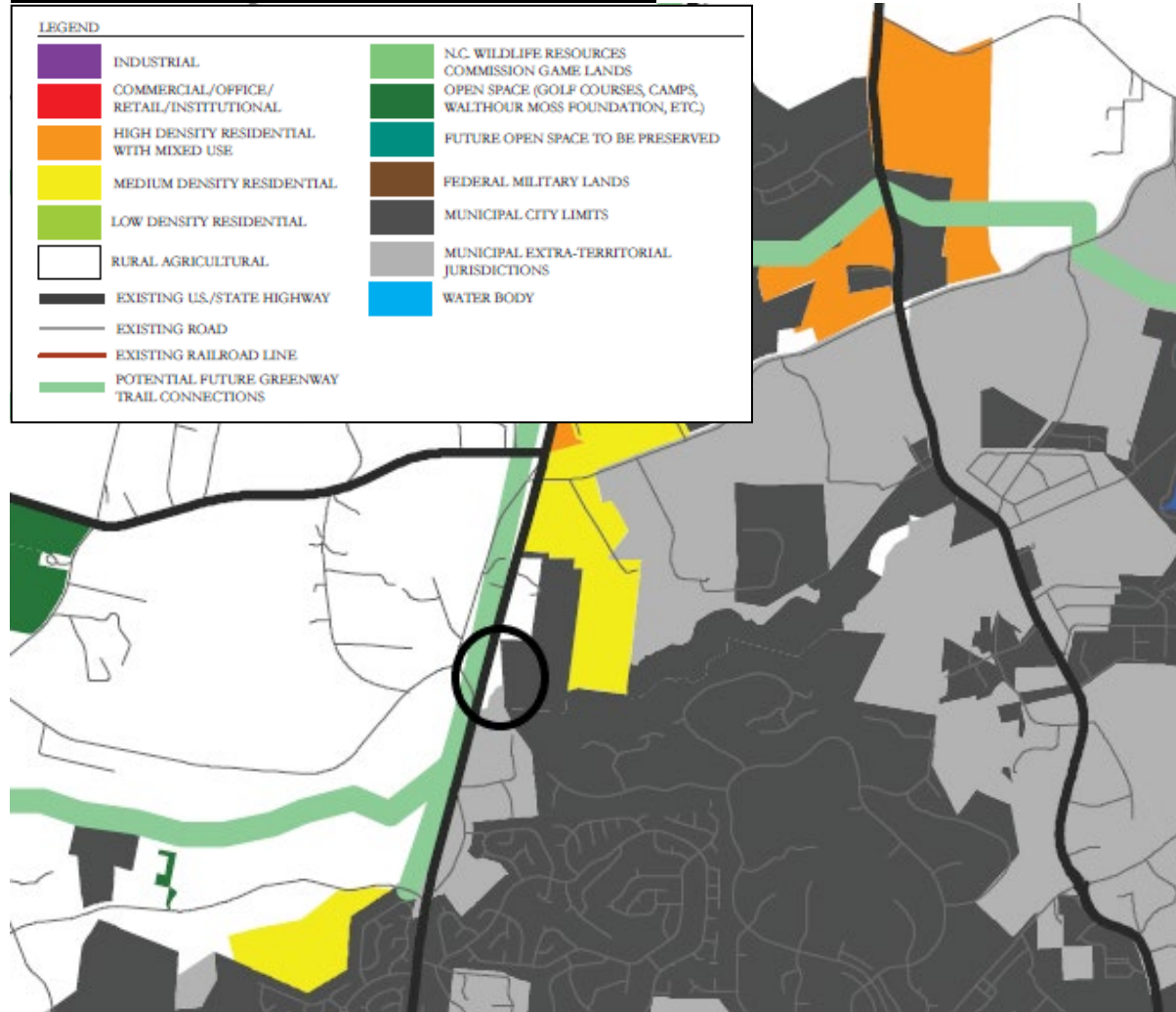
horticulture, grazing, poultry, dairy, swine operations, and intensive agricultural uses in certain areas) and other rural activities.

The Moore County Unified Development Ordinance states the Highway Commercial (B-2) district provides for the development of commercial and service centers that serve community, countrywide, or regional commercial needs, are accessible by residents from surrounding neighborhoods, and are of such nature so as to minimize conflicts with surrounding residential areas.

If the rezoning request is approved, staff recommends updating the Land Use Map to reclassify the site to the Commercial/Office/Retail/Institutional Classification.

The rezoning request aligns with the following recommendation as included in the attached Land Use Plan Consistency Statement, including Action 1.8.5: Support and promote infill development that will optimize the use of existing infrastructure and Action 3.1.2: Encourage non-residential development to locate near major transportation routes and areas served by adequate water, sewer, natural gas, broadband, and electric power.

MOORE COUNTY FUTURE LAND USE MAP



RECOMMENDATION

Staff recommends the Moore County Planning Board make two separate motions:

Motion #1: Make a motion to adopt the attached **Approval** or **Denial** Moore County Planning Board Land Use Plan Consistency Statement and authorize its Chairman to execute the document as required by North Carolina General Statute 160D-604.

Motion #2: Make a motion to recommend **Approval** or **Denial** to the Moore County Board of Commissioners of the Conditional Rezoning from Residential and Agricultural-40 (RA-40) & Highway Commercial (B-2) to Highway Commercial Conditional Zoning (B-2/CZ) to construct a building and storage yard for a Contractor Office on an approximately 4.76-acre portion of two parcels of approximately 14.07 acres located on US 15-501 Highway, owned by JT & JR, Inc., per Deed Book 5504 Page 445 and Deed Book 5446 Page 365 and further described as ParID 00014913 and 00016274 in Moore County Tax Records.

ATTACHMENTS

- Pictures of Property and Adjacent Properties
- Vicinity Map
- Land Use Map
- Rezoning Map
- Planning Board Consistency Statement – Approval
- Planning Board Consistency Statement – Denial
- Submitted Conditional Rezoning Application
- Submitted Site Specific Development Plan
- Community Meeting Report
- Deed Book 5504 Page 445
- Deed Book 5546 Page 365

View of proposed contractor office site



View of remaining parent tract




Adjacent property – 7740 US HWY 15-501



Adjacent property – 7757 US HWY 15-501



Vicinity Map

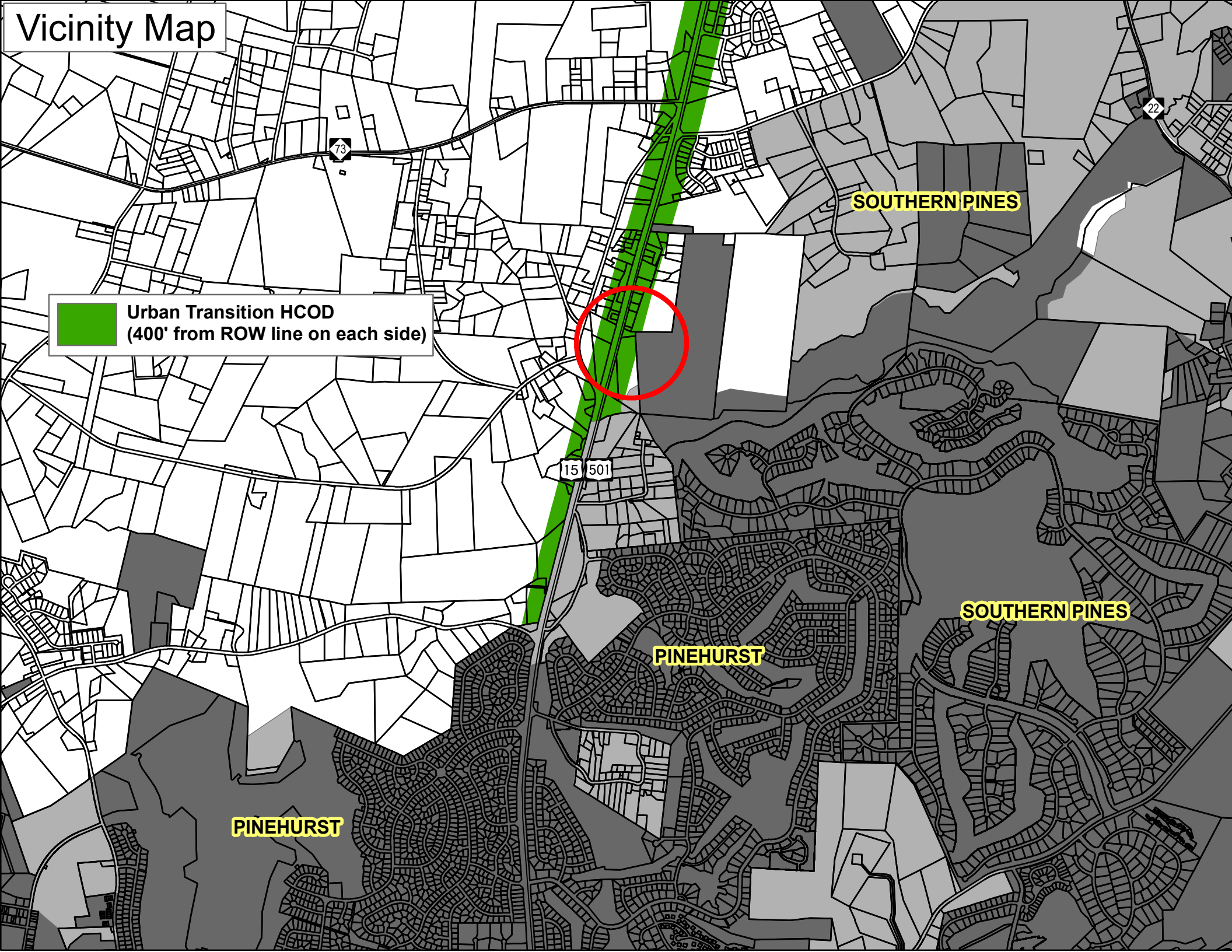
 Urban Transition HCOD
(400' from ROW line on each side)

SOUTHERN PINES

SOUTHERN PINES

PINEHURST

PINEHURST



Land Use Map

Landscaping
Business

Single Family
Dwelling

Shaded area requested
to be rezoned to B-2/CZ

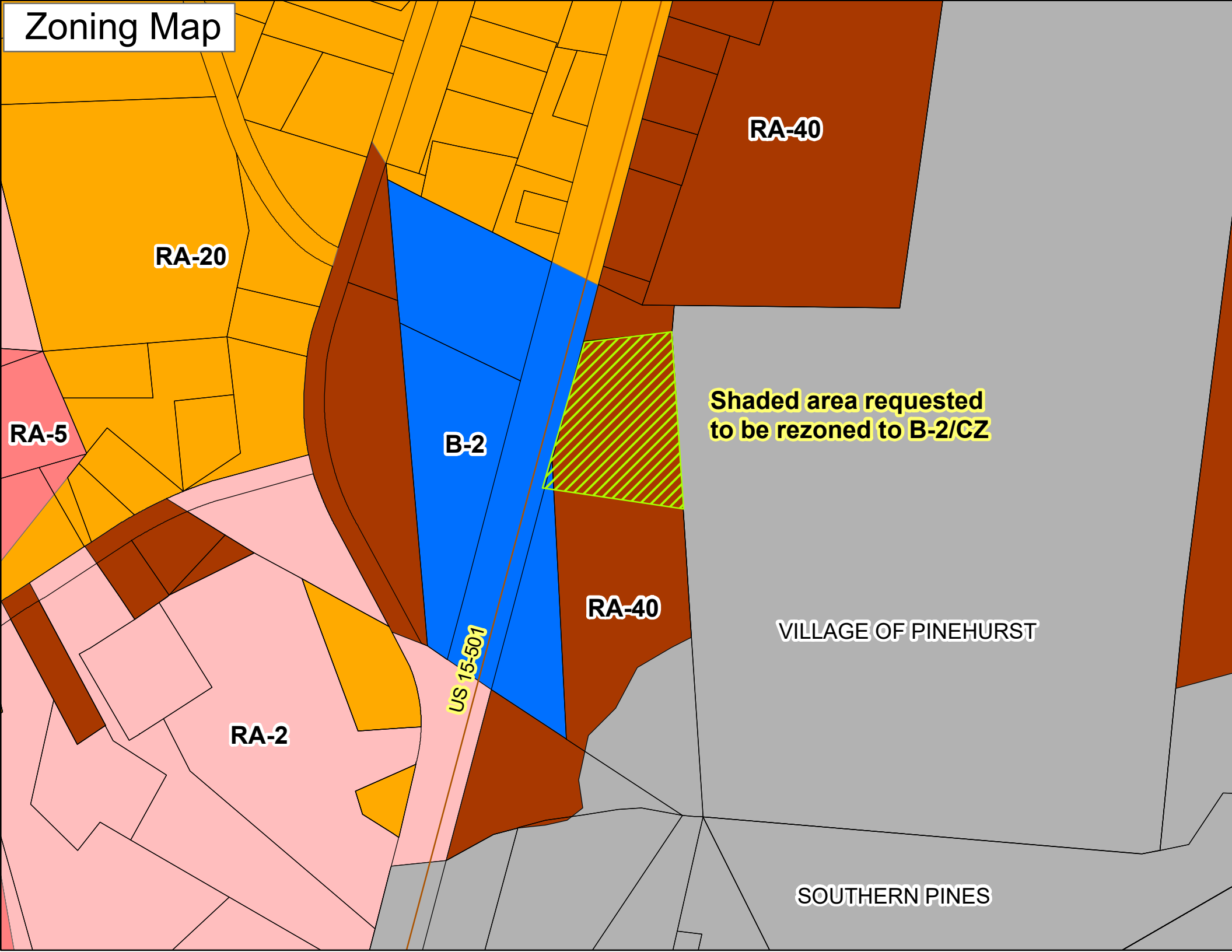
US 15-501

Single Family
Residential

Undeveloped



Zoning Map



Municipal Zoning Map

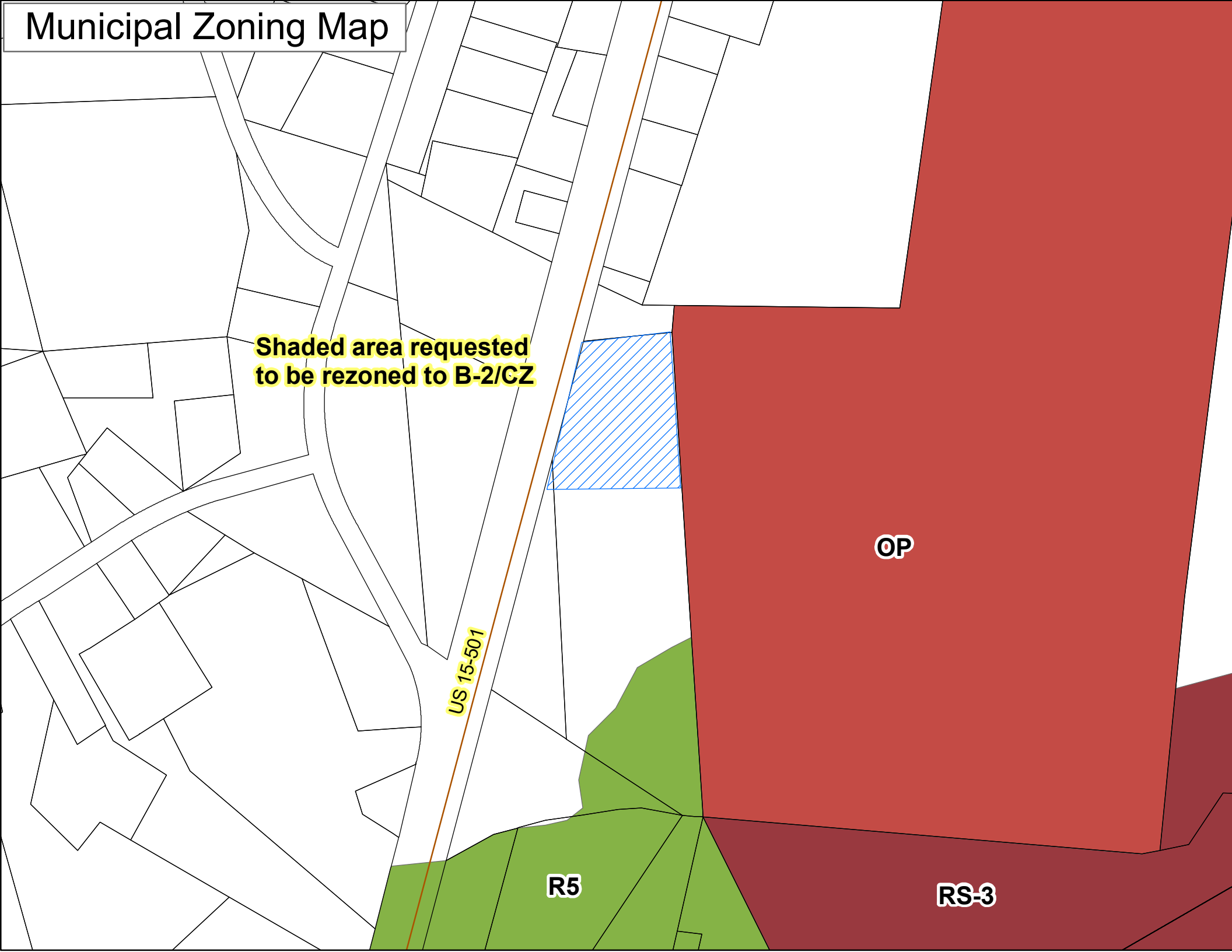
**Shaded area requested
to be rezoned to B-2/CZ**

US 15-501

OP

R5

RS-3



Moore County Planning Board
Land Use Plan Consistency Statement
Conditional Rezoning Request
Residential and Agricultural-40 (RA-40) and Highway Commercial (B-2) to Highway
Commercial Conditional Zoning (B-2/CZ)

The Moore County Planning Board finds that:

1. The rezoning request is consistent with the following goals as listed in the 2013 Moore County Land Use Plan:

Goal 1: Preserve and Protect the Ambiance and Heritage of the County of Moore (inclusive of areas around the municipalities)

- Action 1.8.5: Support and promote infill development that will optimize the use of existing infrastructure; and

Goal 3: Maximize accessibility among living, working, and shopping areas

- Action 3.1.2: Encourage non-residential development to locate near major transportation routes and areas served by adequate water, sewer, natural gas, broadband, and electric power.

2. Approval of the rezoning request is also deemed an amendment to the Land Use Plan Future Land Use Map by reclassifying the site to the Commercial/Office/Retail/Institutional Land Use Classification.

3. The rezoning request is reasonable and in the public interest considering the property is located adjacent to a major thoroughfare, is located within the Urban Transition Highway Corridor Overlay and has access to public water.

4. Contributing factors in the rezoning approval are in response to managing the location and appearance of commercial growth. This site is determined to be suitable for development due to its proximity to the Towns of Carthage, Southern Pines and Village of Pinehurst.

Therefore, the Moore County Planning Board recommends **APPROVAL** of the Conditional Rezoning from Residential and Agricultural-40 (RA-40) & Highway Commercial (B-2) to Highway Commercial Conditional Zoning (B-2/CZ) to construct a building and storage yard for a Contractor Office on an approximately 4.76-acre portion of two parcels of approximately 14.07 acres located on US 15-501 Highway, owned by

JT & JR, Inc., per Deed Book 5504 Page 445 and Deed Book 5446 Page 365 and further described as ParID 00014913 and 00016274 in Moore County Tax Records.

Joe Garrison, Chair
Moore County Planning Board

Date

Moore County Planning Board
Land Use Plan Consistency Statement
Conditional Rezoning Request
Residential and Agricultural-40 (RA-40) and Highway Commercial (B-2) to Highway
Commercial Conditional Zoning (B-2/CZ)

The Moore County Planning Board finds that:

1. The rezoning request is consistent with the following goals as listed in the 2013 Moore County Land Use Plan:

Goal 1: Preserve and Protect the Ambiance and Heritage of the County of Moore (inclusive of areas around the municipalities)

- Action 1.8.5: Support and promote infill development that will optimize the use of existing infrastructure; and

Goal 3: Maximize accessibility among living, working, and shopping areas

- Action 3.1.2: Encourage non-residential development to locate near major transportation routes and areas served by adequate water, sewer, natural gas, broadband, and electric power.

2. The proposed rezoning is not reasonable and not in the public interest because the proposed rezoning will have an unreasonable impact on the surrounding community.

Therefore, the Moore County Planning Board recommends **DENIAL** of the Conditional Rezoning from Residential and Agricultural-40 (RA-40) & Highway Commercial (B-2) to Highway Commercial Conditional Zoning (B-2/CZ) to construct a building and storage yard for a Contractor Office on an approximately 4.76-acre portion of two parcels of approximately 14.07 acres located on US 15-501 Highway JT & JR, Inc., per Deed Book 5504 Page 445 and Deed Book 5446 Page 365 and further described as ParID 00014913 and 00016274 in Moore County Tax Records.

Joe Garrison, Chair
Moore County Planning Board

Date



County of Moore Planning and Inspections

Inspections/Permitting: (910) 947-2221

Planning: (910) 947-5010

Fax: (910) 947-1303

Conditional Rezoning Application

Application Date: 11/03/2021			
Address of Property: Parcel Not Addressed, NC Hwy 15-501 North of Lea Rd. on the East side of 15-501			
Applicant: Jeff Tucker, Vice President			Phone: 910-690-0167
Applicant Address: 965 Old US 1	City: Southern Pines	St: NC	Zip: 28387
Owner: JT & JR Inc			Phone: 910-690-0167
Owner Address: 965 Old US 1	City: Southern Pines	St: NC	Zip: 28387
Current Zoning District: RS-40, B-2	Proposed Zoning District: B-2 Conditional District		
Current Use(s): Vacant (Timbered Property)	Proposed Use(s): Contractor Office		
<p>Proposed rules, regulations, condition(s) for the proposed district that address the impacts expected to be generated by the development or use of the site:</p> <p>Property Consists of three parcels PAR ID 00016274 - Current Zoning B-2, 2.07 AC PAR ID 00014913 Current Zoning RA-40, 12 AC - this would have split zoning VOP R-5 Residential PAR ID 00018699 Current Zoning RA-40, 3.182 AC</p> <p>Parcels would be recombined into one and only the area the site is on is to be changed to B-2 CD (See the concept plan) and all other parcels to remain as they are currently zoned.</p>			
<p>Statement of reasonableness of the proposed conditional zoning. The statement shall include, but not be limited to the following:</p> <ol style="list-style-type: none">1. The conditional rezoning compatibility with the County Land Use Plan and other adopted plans of the County.2. The conditional rezoning compatibility with the existing land uses on abutting and neighboring tracts.3. The benefits and detriments of the conditional rezoning for the subject property, neighboring properties and the surrounding community.			
<p>The property(s) will be compatible with the surrounding land uses in that one of the subject parcels is currently zoned B-2, B-2 zoning for the Landscape company across 15-501 with surrounding VOP zoning districts of OP and R-5 (high-density residential). The land use being proposed is for a general contractor's office on the combined 17 acres. While the zoning may appear to be intense the site has a flood zone and wetlands to the south that will not be developed. The conditional zoning proposed for the property will occupy approximately 6 acres of the 17 available acreage (35%). All buffer standards and setbacks per the UDO will be met as well as associated landscaping requirements.</p>			

I (We), the undersigned, certify that all statements furnished in this application are true to the best of my (our) knowledge, and do hereby agree to follow all reasonable requests or information as designated by the County of Moore Zoning Administrator.



Applicant/Owner Signature

11/3/21

Date

Office Use Only:

PAR ID: 00014913 & 00016274

Jaimie Walters Jaimie L. Walters

Received By

11-22-21

Date

COMMUNITY MEETING REPORT
Monday, December 20, 2021, 6:00 p.m. – 8:00 p.m.
Proposed Contractors Office and Storage Yard – US 15-501 Highway

Community Members Present:

Darryn Burich, Alex Cameron

Applicant's Representative Present:

Jeff Tucker, Tim Carpenter, Jackson Maples

Planning Staff Present:

Jaimie Walters

Mr. Carpenter displayed a copy of the proposed site plan and was available to answer questions as they were asked. The only attendees were two Village of Pinehurst Planning Department Staff, who briefly stopped by to ask a few questions of the engineer and the owner of the property. Darryn Burich, Village of Pinehurst Planning Director, indicated that his questions were satisfactorily answered and did not have any objection to the proposed conditional rezoning. No other community members were present.

List of those notified of the Community Meeting (certified mailings to adjacent properties):

JT & JR INC
BROWN CYNTHIA MARIE (HRS)
BROWN BELINDA
JACKSON JOYCE SWINNIE
MACAC LLC
TOMMY'S RENTAL INC
SAZAMA JAMES F & SHAWN M
SOUTHERN PINES TOWN OF
DARRYN BURICH

Attachments:

- Site plan presented at the Community Meeting

Submitted by,

Jaimie Walters, MPA, CZO

Senior Planner – Moore County Planning and Transportation

For Registration Register of Deeds
Judy D. Martin

Moore County, NC

Electronically Recorded

October 16, 2020 1:13:56 PM

Book: 5446 Page: 365 - 367 #Pages: 3

Fee: \$26.00 NC Rev Stamp: \$170.00

Instrument # 2020020143

NORTH CAROLINA GENERAL WARRANTY DEED

Excise Tax: \$ 170.00

Parcel Identifier No. _____ Verified by _____ County on the _____ day of _____, 20____
By: _____

Mail/Box to: GRANTEE

This instrument was prepared by: William M. Van O'Linda, Jr. (ka), 90 Cherokee Road, 3rd Floor, Pinehurst, NC 28374

Brief description for the Index: _____

THIS DEED made this 12th day of OCTOBER, 2020, by and between

GRANTOR

Daniel P. Black and wife,
Mary C. Black
1976 Roseland Road
Aberdeen, NC 28315

GRANTEE

JT & JR, Inc., a North Carolina corporation
965 Old US Hwy 1
Southern Pines, NC 28387

Enter in appropriate block for each Grantor and Grantee: name, mailing address, and, if appropriate, character of entity, e.g. corporation or partnership.

The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

WITNESSETH, that the Grantor, for a valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto the Grantee in fee simple, all that certain lot, parcel of land or condominium unit situated in the City of _____, _____ Mineral Springs _____ Township, _____ Moore _____ County, North Carolina and more particularly described as follows:

SEE EXHIBIT "A" FOR LEGAL DESCRIPTION WHICH IS INCORPORATED HEREIN.

THE ATTORNEY PREPARING THIS INSTRUMENT HAS MADE NO RECORD SEARCH OR TITLE EXAMINATION AS TO THE PROPERTY HEREIN DESCRIBED.

The property hereinabove described was acquired by Grantor by instrument recorded in Book 2185 page 344.
All or a portion of the property herein conveyed _____ includes or X does not include the primary residence of a Grantor.

A map showing the above described property is recorded in Plat Book _____ page _____.

TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to the Grantee in fee simple.

And the Grantor covenants with the Grantee, that Grantor is seized of the premises in fee simple, has the right to convey the same in fee simple, that title is marketable and free and clear of all encumbrances, and that Grantor will warrant and defend the title against the lawful claims of all persons whomsoever, other than the following exceptions:

IN WITNESS WHEREOF, the Grantor has duly executed the foregoing as of the day and year first above written.

(Entity Name) Daniel P. Black (SEAL)
Print/Type Name: Daniel P. Black
By: _____
Mary C. Black (SEAL)
Print/Type Name & Title: _____
Print/Type Name: Mary C. Black
By: _____ (SEAL)
Print/Type Name & Title: _____
Print/Type Name: _____
By: _____ (SEAL)
Print/Type Name & Title: _____
Print/Type Name: _____

State of North Carolina - County or City of Moore
I, the undersigned Notary Public of the County or City of Moore and State aforesaid, certify that
Daniel P. Black and wife, Mary C. Black personally appeared before me this day and acknowledged the due
execution of the foregoing instrument for the purposes therein expressed. Witness my hand and Notarial stamp or seal this 12 day of
October, 2020.
My Commission Expires: 10/29/2020
(Affix Seal)
Kimberly Y Arnette
NOTARY PUBLIC
Montgomery County, NC
My Commission Expires October 29, 2020
Kimberly Y Arnette Notary Public
Notary's Printed or Typed Name

State of North Carolina - County or City of Moore
I, the undersigned Notary Public of the County or City of Moore and State aforesaid, certify that
_____ personally appeared before me this day and acknowledged the due
execution of the foregoing instrument for the purposes therein expressed. Witness my hand and Notarial stamp or seal this _____ day of
_____, 20____.

My Commission Expires: _____
(Affix Seal) _____ Notary Public
Notary's Printed or Typed Name

State of _____ - County or City of _____
I, the undersigned Notary Public of the County or City of _____ and State aforesaid, certify that
_____ personally came before me this day and acknowledged that
_____ he is the _____ of _____, a North Carolina or
_____ corporation/limited liability company/general partnership/limited partnership (strike through the
inapplicable), and that by authority duly given and as the act of such entity, _____ he signed the foregoing instrument in its name on its
behalf as its act and deed. Witness my hand and Notarial stamp or seal, this _____ day of _____, 20____.

My Commission Expires: _____
(Affix Seal) _____ Notary Public
Notary's Printed or Typed Name

Exhibit "A"

Lying on both side lower prong Little River, and beginning at a stake on the South bank of a Big Ditch, persimmon pointer, McKeithen's corner, and running thence on McKeithen's line North 20 chains to his corner; thence N 6 E 1.71 chains to a pine stump; thence N 87 W 1.42 chains to a stake; thence N 50 W 5 chains to a stake, the 3rd corner of Lot No. 3; thence on said line S. 21.80 chains to a corner, 3 sweetgum pointers; thence S 56 E 7.15 chains to the BEGINNING, containing 13 acres more or less.

HOWEVER, there is excepted from the above described property that certain 1 acre, more or less, tract of land heretofore conveyed by Sylvester Pace and wife, to Sylvester Pace, Jr. by deed recorded in Deed Book 247, Page 173, of the Moore County Public Registry, to which recordation reference is hereby made for a more complete, accurate and particular description of the said 1 acre exception.

The above described land is described as Lot No. 4, allotted to W. H. Goins in that certain Commissioners Report and on that certain Plat recorded in Deed Book 115, Page 413 of the Moore County Public Registry, to which report and plat reference is hereby made.

For Registration Register of Deeds
Judy D. Martin

Moore County, NC

Electronically Recorded

December 30, 2020 3:17:18 PM

Book: 5504 Page: 445 - 453 #Pages: 9

Fee: \$26.00

NC Rev Stamp: \$108.00

Instrument# 2020026059

Stamps: \$

This instrument was prepared by: **Sandhills Law Group**, No Title Examination Requested or Performed by Drafting Attorney

NORTH CAROLINA GENERAL WARRANTY DEED

THIS DEED made this **11th day of December, 2020**, by and between,

<u>GRANTOR</u>	<u>GRANTEE</u>
Lloyd H. Chriscoe, Jr and wife, Patricia R. Chriscoe; Donna C. Cheek and husband, Daryl Cheek; Barbara C. Joyce and husband George Joyce; Larry W. Chriscoe and wife, Jennifer Chriscoe; Kathie C. Lewis and husband Gene Lewis; Sylvia C. Pusser and husband, Nelson Pusser	JT & JR INC. <u>Mailing address:</u> 965 Old US Hwy 1 Southern Pines, NC 28387

WITNESSETH:

That the Grantor, in consideration of the sum of Ten (\$10.00) Dollars and other good and valuable considerations paid by the Grantee, the receipt and sufficiency of which is hereby acknowledged, has given, granted, bargained, sold and conveyed and by these presents does give, grant, bargain, sell and convey to the Grantee, his heirs, successors and assigns, all of that certain tract or parcel of land situate in **Mineral Springs Township, Moore County, North Carolina**, more particularly described as follows:

SEE ATTACHED EXHIBIT "A" FOR A MORE COMPLETE DESCRIPTION

This conveyance is subject to: (i) the Declaration of Restrictions and Covenants, if any, as the same may have been amended: (ii) such matters, provisions and reservations as are shown on the above plat, if any: (iii) the lien for ad valorem

Submitted electronically by "Van Camp, Meacham & Newman, PLLC" in compliance with North Carolina statutes governing recordable documents and the terms of the submitter agreement with the Moore County Register of Deeds.

taxes or other assessments for the year of closing or conveyance; and (iv) utility easements of record.

The property hereinabove described is ____ or ☒ is not the primary residence of a Grantor.

TO HAVE AND TO HOLD the aforesaid described land with all privileges and appurtenances thereunto belonging or in anywise appertaining to the said Grantee, his heirs, successors and assigns, in fee simple forever.

And the said Grantor, for himself and his heirs, successors and assigns, covenants with the said Grantee, his heirs, successors and assigns, that he is seized of the said premises in fee and has the right to convey the same in fee simple; that the same is free and clear from all encumbrances; and that he does hereby forever warrant and will forever defend the said title to the same against the claims of all persons whomsoever, except for the exceptions noted herein.

The designation "Grantor" and "Grantee" as used herein shall include the singular as well as the plural and the masculine, feminine or neuter gender may be read in either the masculine, feminine or neuter gender or a combination thereof as the context may require in order to accurately refer to the person or persons first named hereinabove as "Grantor" and "Grantee".

******The remainder of this page was intentionally left blank******

IN WITNESS WHEREOF, the said Grantor has hereunto set his hand and seal, or if Corporate, has caused this instrument to be signed in the Corporate name by its duly authorized officers by authority of its duly elected Board of Directors, or if Limited Liability Company (Company), in its Company name by its duly authorized manager, pursuant to authorization from its members, the day and year first above written.

Barbara C. Joyce (SEAL)
Barbara C. Joyce
George Joyce (SEAL)
George Joyce

STATE OF NORTH CAROLINA

COUNTY OF Moore

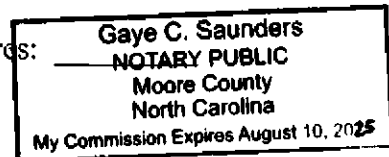
I, Gaye C. Saunders, a Notary Public in and for the County and State aforesaid do hereby certify that **Barbara C. Joyce and George Joyce**, appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and notarial seal this the 18 day of December, 2020.

(NOTARIAL SEAL)

Gaye C. Saunders
NOTARY PUBLIC

My Commission Expires:



IN WITNESS WHEREOF, the said Grantor has hereunto set his hand and seal, or if Corporate, has caused this instrument to be signed in the Corporate name by its duly authorized officers by authority of its duly elected Board of Directors, or if Limited Liability Company (Company), in its Company name by its duly authorized manager, pursuant to authorization from its members, the day and year first above written.

Lloyd H. Chriscoe, Jr. (SEAL)
Lloyd H. Chriscoe, Jr

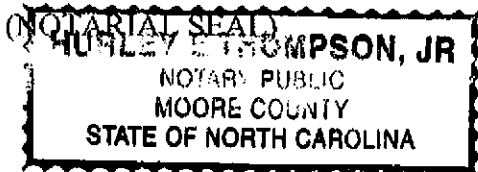
Patricia R. Chriscoe (SEAL)
Patricia R. Chriscoe

STATE OF NORTH CAROLINA

COUNTY OF MOORE

I, [Signature], a Notary Public in and for the County and State aforesaid do hereby certify that **Lloyd H. Chriscoe, Jr and Patricia R. Chriscoe**, appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and notarial seal this the 12th day of December, 2020.



[Signature]
NOTARY PUBLIC
My Commission Expires: 2/18/24

IN WITNESS WHEREOF, the said Grantor has hereunto set his hand and seal, or if Corporate, has caused this instrument to be signed in the Corporate name by its duly authorized officers by authority of its duly elected Board of Directors, or if Limited Liability Company (Company), in its Company name by its duly authorized manager, pursuant to authorization from its members, the day and year first above written.

Sylvia C. Pusser (SEAL)
Sylvia C. Pusser

Nelson Pusser (SEAL)
Nelson Pusser

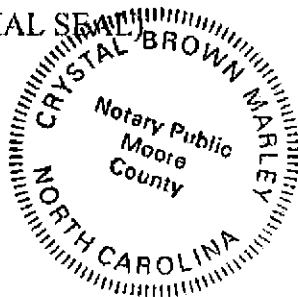
STATE OF NORTH CAROLINA

COUNTY OF MOORE

I, Crystal Brown Marley, a Notary Public in and for the County and State aforesaid do hereby certify that Sylvia C. Pusser and husband, Nelson Pusser, appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and notarial seal this the 17th day of December, 2020.


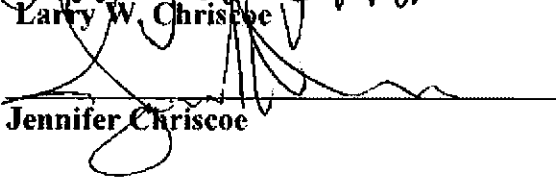
(NOTARIAL SEAL)



Crystal Brown Marley
NOTARY PUBLIC

My Commission Expires: 3/4/24

IN WITNESS WHEREOF, the said Grantor has hereunto set his hand and seal, or if Corporate, has caused this instrument to be signed in the Corporate name by its duly authorized officers by authority of its duly elected Board of Directors, or if Limited Liability Company (Company), in its Company name by its duly authorized manager, pursuant to authorization from its members, the day and year first above written.

 (SEAL)
 Larry W. Chriscoe
 (SEAL)
 Jennifer Chriscoe

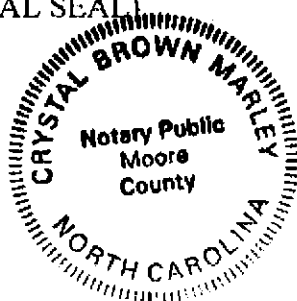
STATE OF NORTH CAROLINA


COUNTY OF MOORE

I, CRYSTAL BROWN MARLEY, a Notary Public in and for the County and State aforesaid do hereby certify that **Larry W. Chriscoe and wife, Jennifer Chriscoe**, appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and notarial seal this the 17th day of December, 2020.

(NOTARIAL SEAL)




 NOTARY PUBLIC

My Commission Expires: 3/21/24

IN WITNESS WHEREOF, the said Grantor has hereunto set his hand and seal, or if Corporate, has caused this instrument to be signed in the Corporate name by its duly authorized officers by authority of its duly elected Board of Directors, or if Limited Liability Company (Company), in its Company name by its duly authorized manager, pursuant to authorization from its members, the day and year first above written.

Kathie C. Lewis (SEAL)
Kathie C. Lewis

Gene Lewis (SEAL)
Gene Lewis

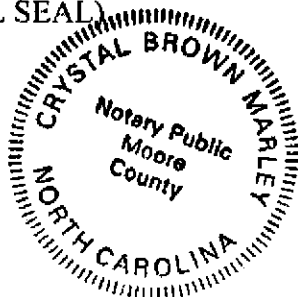
STATE OF NORTH CAROLINA

COUNTY OF MOORE

I, CRYSTAL BROWN MARLEY, a Notary Public in and for the County and State aforesaid do hereby certify that **Kathie C. Lewis and husband, Gene Lewis**, appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and notarial seal this the 17th day of December, 2020.

(NOTARIAL SEAL)



Crystal Brown Marley
NOTARY PUBLIC

My Commission Expires: 3/21/24

EXHIBIT "A"**TRACT ONE:**

Being in Mineral Springs Township, Moore County, North Carolina and situate on the east side of US 15-501 and on both sides of Nicks Creek and mor particularly described as follows:

Beginning at an iron pipe, the same being common with the Saddler land; thence South 57 degrees 28.3 minutes East 411.61 feet to an iron rod on the south bank of the "Big Ditch", the same being common with the Down and Goins lands; thence North 81 degrees 29.8 minutes West 117.350 feet with the Goins line and the "Big Ditch" to an iron rod in the center of the "Big Ditch", the same being common with the Goins land; thence South 86 degrees 57.1 minutes West 71.88 feet with the Goins line and the "Big Ditch" to an iron rod in the center of the "Big Ditch" the same being common ith the Goins land; thence South 79 degrees 40.0 minutes West 107.77 feet with the Goins line and the "Big Ditch" to an iron rod in the center of the "Big Ditch" the same being common with the Goins land; thence South 80 degrees 15.5 minutes West 112.56 feet with the Goins line and the "Big Ditch" to an iron rod in the center of the "Big Ditch" the same being common with the Goins land; thence South 73 degrees 40.0 minutes West 161.46 feet with the Goins and the "Big Ditch" to a point, the center line junction of the "Big Ditch" and Nicks Creek, the same being common with the Maness and Goins lands; thence South 59 degrees 15.4 minutes West 155.63 feet with the Maness line in Nicks Creek to a point, a new corner in the center line of Nicks Creek, 48.0 feet from and normal to the center line of US 15.-501, the same being common with the Maness land and in the right of way boundary of US 15.501; thence North 15 degrees 00.3 minutes East 518.77 feet with the right of way boundary of US 15-501 to an iron rod, a new corner, 48.0 feet from and normal to the center line of US 15-501, the same being in the Saddler line and in the right of way boundary of US 15-501; thence South 58 degrees 31.6 minutes East 248.91 feet with the Saddler line to the beginning, containing 3.08 acres, more or less as computed by the Double Meridian Distance Method. For further reference see Book 2421, Page 222.

TRACT TWO:

Being Lot No. 3 of Ed Goins Division: Beginning at an iron stake the southeast corner of Lot No. 3 of which this is a part and also being the dividing corner between Lots No. 3 and 4 of the Goins Division; and runs thence with the southerly line of Lot No. 3 North 54-00 West 250 feet to an iron stake 50 feet from the center

line of US Highway 15-501; and runs thence along the easterly right of way line of the Highway 50 feet from and parallel with the center line North 20-00 East 610 feet to an iron stake in the easterly right of way 50 feet from the present center line; and runs thence South 2-00 West and with the dividing line between Lots 3 and 4, 713 feet to the beginning, containing two (2) acres. For further reference see Book 352, Page 262.